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State Water Resources Control Board

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Arnold Schwarzenegger
Governor

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT ON A PROPOSED AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION THAT WOULD INCORPORATE A TOTAL MAXIMUM DAILY LOAD FOR METALS IN CHOLLAS CREEK AND THE SUBSTITUTE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOCUMENT

The State Water Resources Control Board (State Water Board) will now accept comments on an amendment to the Water Quality Control Plan (Basin Plan) for the San Diego Region that would establish a Total Maximum Daily Load (TMDL) for dissolved copper, lead, and zinc in Chollas Creek. The proposed amendment and the State Water Board item language and draft resolution are available on the State Water Board's Web site at <http://www.waterboards.ca.gov/tmdl/tmdl.html>. The proposed amendment was adopted by the San Diego Regional Water Quality Control Board, (San Diego Water Board) on June 29, 2005. The State Water Board expects to consider the proposed amendment at its meeting in February 2006. Notice of that meeting will be published separately.

An issue identified by one commenter is that the San Diego Water Board made changes to the proposed amendment (project) that warranted recirculation of the substitute environmental documents. Section 15088.5 of Title 14 of the California Code of Regulations (CCR) requires a lead agency to recirculate an environmental document if there is "significant new information" (including changes to the project) before the document is certified. Without expressing any opinion upon the merits of the comment, any commenter who believes that the substitute documents should have been recirculated pursuant to section 15088.5 may submit to the State Water Board the following information:

- Identification of changes or alterations that the San Diego Water Board made to the project that you believe warranted recirculation of the substitute environmental documents and an explanation as to why the alterations required recirculation;
- Identification of any reasonably foreseeable means of compliance with the project as altered, which were not already considered by the San Diego Water Board in its substitute environmental documents;
- Identification of any not previously considered significant adverse environmental impacts attendant with those means of compliance; and

- Identification of any specific “substantial evidence” supporting the existence of any such significant adverse environmental impacts (see Title 14, CCR section 15384). The commenter should submit copies of such evidence if it is not already contained in the San Diego Water Board’s administrative record.

In answering the above inquiries, commenters should consider the requirements of Public Resources Code section 21159, which generally sets out the environmental review responsibilities of an agency when adopting a rule or regulation. The relevant environmental and technical documents may be found at the State Water Board Web site noted above.

Comment letters must be received by 5:00 p.m. on January 6, 2006. After the January deadline, State Water Board staff will not accept additional written comments unless the State Water Board determines that such comments should be accepted or unless changes are made to the proposed resolution before the State Water Board meeting. Please send comments to: Selica Potter, Acting Clerk to the Board, State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814, (916) 341-5620 (fax), commentletters@waterboards.ca.gov . Please direct questions about this notice to Greg Frantz, Division of Water Quality, at (916) 341-5553 or GFrantz@waterboards.ca.gov, or Senior Staff Counsel Steven H. Blum at (916) 341-5177 or SBlum@waterboards.ca.gov.

December 1, 2005

Date



Selica Potter

Acting Clerk to the Board